

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kendra Sundvall, Plaintiff, vs. Franklin Collection Service, Inc., Defendant.	Case No.: 0:17-cv-01765 (JRT/SER) <u>JOINT STIPULATION</u> JURY TRIAL DEMANDED
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WHEREAS, Plaintiff Kendra Sundvall filed a Complaint, dated May 25, 2017, against Defendant Franklin Collection Service, Inc. alleging violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (“TCPA”), violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (“FDCPA”), and common law invasion of privacy;

WHEREAS, the Complaint was served upon Defendant on May 26, 2017;

WHEREAS, the deadline to answer or otherwise respond to the Complaint was June 16, 2017;

WHEREAS, pursuant to the parties’ Stipulation, the Court Ordered that Defendant could have an extension through June 30, 2017 to Answer or otherwise respond to the Complaint;

WHEREAS, Defendant has not filed an Answer or otherwise responded to the Complaint;

WHEREAS, Plaintiff seeks to invoke her right to amend her Complaint as a matter of course pursuant to Rules 15(a)(1)(A) and 15(a)(1)(B) of the Federal Rules of Civil Procedure;

WHEREAS, a party may amend a complaint as a matter of course within 21 days

after service of the Complaint pursuant to Fed. R. Civ. P. Rule 15(a)(1)(A);

WHEREAS, a party may amend a complaint as a matter of course within 21 days after service of a responsive pleading pursuant to Fed. R. Civ. P. Rule 15(a)(1)(B);

WHEREAS, Plaintiff's opportunity to amend her Complaint as a matter of course does not fall, technically, into either category because more than 21 days has passed since the date of service of the Complaint and Defendant has not filed a responsive pleading. *See e.g., Braziel v. Roy*, No. 0:15-cv-03448 (PJS/SER), 2016 WL 4196821, at *3 (D. Minn. July 11, 2016);

WHEREAS, in order to save time, effort, and expense, the Parties seek an Order from the Court allowing Plaintiff the opportunity to amend her Complaint as a matter of course prior to service of an Answer or any other responsive pleading;

WHEREAS, allowing Plaintiff to amend her Complaint prior to service of Answer or any responsive pleading would avoid the potential for duplicitous pleadings;

WHEREAS, allowing Plaintiff to amend her Complaint prior to service of an Answer or any responsive Pleading would be in the best interests of the parties, the Court and its staff in terms of both economy and efficiency;

It is hereby stipulated and agreed, by and between the parties hereto, through their respective counsel, that the Court may enter an Order;

1. Allowing Plaintiff to file an Amended Complaint as a matter of course prior to service of an Answer or any responsive pleading, but no later than fourteen (14) days from the date of the Order; and
2. Granting an extension of time for Defendant to file a responsive pleading pursuant to Rule 15(a)(3) of the Federal Rules of Civil Procedure.

TARSHISH CODY, PLC

Dated: June 27, 2017

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Dated: June 27, 2017

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